

Arent Fox

October 16, 2012

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Stephanie A. Joyce

Attorney
202.857.6081 DIRECT
202.857.6395 FAX
joyce.stephanie@arentfox.com

Re: WC Docket No. 00-144, *Securus Petition for Declaratory Ruling, JailCallServices.com*

Dear Ms. Dortch:

Securus Technologies, Inc. (“Securus”) brings to the Commission’s attention the conduct of the persons or entities that operate the website www.JailCallServices.com (“JCS”).

JCS appears to offer a call diversion arrangement of the type that Securus discusses in the Petition for Declaratory Ruling under consideration in this docket. JCS is improperly using the Securus mark as a paid search term, resulting in the paid advertisement shown in the screen shot appended hereto as **Exhibit 1**. The advertisement makes it appear that JCS is affiliated with Securus.

Securus has first-hand knowledge from consumers that have been confused by the advertisement and have submitted their debit or credit card to JCS in the belief that they were establishing or replenishing an account with Securus.

When a consumer realizes their mistake and attempts to get the payment returned, the JCS website sends them to a webpage that is shown on **Exhibit 2** hereto. That webpage asks the consumer to complete a write-in comment to the FCC in this docket.

The webpage also states, below the request to submit comments, that “[t]o cancel anytime, simply email us” at Cancellations@JailCallServices.com. Ex. 2.

A consumer recently sent an email to that address requesting a refund of her mistaken payment to JCS that was meant for Securus. She received this response:

Hello,

Thank your [*sic*] for your inquiry,

Arent Fox

Please be informed that our company do not [*sic*] issue refund. Before you ask to cancel your account, our company already purchased a number for you to use. Please be informed that we paid for your JCS number and unfortunately there is no way that we can refund the money that we used to purchased your number.

Since you paid our services, we encourage you to use it, rest assured that your [*sic*] can save money using our number. If you want to use the number that you paid to us. [*sic*] Kindly let us know so we can restore your account and activate your number.

If you have any other concerns that you would like to address, kindly give us the specific issue so we can provide further assistance for you.

You can save as much as 80% from your call fees with our services.

You can call us at (972) 338 5271 from 9am to 8pm central.

In other words, JCS does not actually refund any payments, even mistaken ones.

Securus brings this matter to the Commission's attention for two reasons. First, JCS is causing consumers to file comments in this docket who may not understand why they are doing so. Indeed, some of the consumer comments indicate that the consumer did not intend to use a call diversion scheme and would simply like their money returned. *E.g.*, Comment of Shelly Benoit (Oct. 5, 2012); Comment of Sandra Crowder (Aug. 13, 2012). It thus should not be presumed that the consumer comments in this docket actually oppose the Securus Petition.

Secondly, call diverters apparently are emboldened not only to continue diverting inmate calls to unregistered numbers, but they now are committing consumer fraud. Were the Commission to grant the Securus Petition, these entities may exit the market or, at the least, cease defrauding consumers.

Please contact me at 202.857.6081 with any questions. Thank you for your consideration.

Arent Fox

Sincerely,

s/Stephanie A. Joyce

Counsel to Securus Technologies, Inc.

Cc: Chairman Julius Genachowski
Commissioner Robert McDowell
Commissioner Mignon Clyburn
Commissioner Ajit Pai
Commissioner Jessica Rosenworcel
Michael Steffen, Legal Advisor to Chairman Genachowski
Christine Kurth, Legal Advisor to Commissioner McDowell
Angela Kronenberg, Legal Advisor to Commissioner Clyburn
Nicholas Degani, Legal Advisor to Commissioner Pai
Priscilla Delgado Argeris, Legal Advisor to Commissioner Rosenworcel
Sean Lev, General Counsel
Julie Veach, Deputy General Counsel
Deena Shetler, Associate Bureau Chief, Wireline Competition Bureau
Victoria Goldberg, Acting Chief of Pricing Policy Division, Wireline Competition Bureau
Nicholas Alexander, Deputy Chief of Pricing Policy Division, Wireline Competition Bureau
Pamela Arluk, Assistant Chief of Pricing Policy Division, Wireline Competition Bureau
Lynne Engledow, Wireline Competition Bureau
Marcus Maher, Office of General Counsel
Raelynn Remy, Office of General Counsel
Michele Berlove, Wireline Competition Bureau

All via electronic mail